

United States Senate
WASHINGTON, DC 20510

August 3, 2020

VIA ELECTRONIC TRANSMISSION

David Vela
Acting Director
National Park Service
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Acting Director Vela:

Since December of 2018, we have continually sent requests to the Federal Bureau of Investigation (FBI), Department of Justice (DOJ), and the National Park Service (NPS) to provide answers to Congress regarding the fatal shooting of Bijan C. Ghaisar.¹ We have repeatedly said that investigations into the use of deadly force need to be conducted in the most transparent way possible. As a result of our nearly eighteen months of inquiries, the DOJ/FBI, Fairfax County Police Department, and more recently, NPS, finally provided briefings to us and our staffs. While we appreciate the briefing from NPS, we are very disappointed at the lack of information that was provided. Your staff refused to answer any substantive questions based on tenuous and incoherent legal arguments. When pressed to cite or provide supporting policy documents regarding their inability to answer questions, they declined.

During the briefing on June 23, 2020, our staffs asked multiple questions hoping to shed light on the Ghaisar incident. Your staff refused to provide information on the grounds that this investigation is “ongoing,” despite the fact that the FBI and DOJ have closed the case. According to NPS, since the Fairfax County District Attorney claimed that he is considering whether to press charges, they still consider this an ongoing investigation. Staff could cite to no policy for their refusal to provide answers, and this posture is inconsistent with other briefings we have received on this matter and others from federal law enforcement agencies.

Other law enforcement agencies have routinely briefed Congress despite the existence of their *own* ongoing investigation. For example, on February 23, 2018, just days after the horrific February 14th Parkland shooting where many were injured and killed at Stoneman Douglas High

¹ Letter from Charles E. Grassley, U.S. Senator, to William P. Barr, Attorney General, United States of America (March 13, 2020); Letter from Charles E. Grassley, Mark R. Warner, U.S. Senators, to Jeffrey A. Rosen, Deputy Attorney General (Dec. 23, 2019); Letter from Charles E. Grassley, Mark R. Warner, U.S. Senators, to Christopher Wray, Director, Federal Bureau of Investigations (Nov. 20, 2019); Letter from Charles E. Grassley, Mark R. Warner, U.S. Senators, to David Vela, Acting Director, National Park Service (Nov. 1, 2019); Letter from Charles E. Grassley, Mark R. Warner, U.S. Senators, to Christopher Wray, Director, Federal Bureau of Investigations (June 18, 2019); Letter from Charles E. Grassley, Mark R. Warner, U.S. Senators, to Dan Smith, Acting Director, National Park Service (June 18, 2019); Letter from Charles E. Grassley, U.S. Senator, to Christopher Wray, Director, Federal Bureau of Investigation (March 22, 2019); Letter from Charles E. Grassley, U.S. Senator, to Christopher Wray, Director, Federal Bureau of Investigations (Dec. 17, 2018).

School, the FBI briefed Congress on the shooting and their internal investigation.² In August of 2019, back-to-back shootings involving multiples deaths occurred in El Paso, Texas and Dayton, Ohio. Following those back-to-back shootings, the FBI again came to brief Congress during their ongoing investigations.³

The assertion that NPS cannot comment because of an ongoing investigation is also inconsistent with actions taken by other key parties involved in this case. For example, on January 22, 2020, Chief Roessler (Fairfax County Police Chief) briefed congressional staff on his investigation and provided important information on the behavior of his officers. Similarly, on February 6, 2020, senior officials at the Department of Justice provided us with a preliminary briefing, followed by a second and more detailed briefing from the Department on February 25, 2020, to explain their findings regarding the Ghaisar incident as well.

We commend both Chief Roessler and the Department of Justice, for their openness in the handling of this case. There is no valid reason why NPS cannot offer the same level of transparency. To date, NPS has failed to provide Congress and the Ghaisar family with vital information that may bring closure. For these reasons, we are renewing our request for a substantive briefing and requesting that you provide written responses to the following questions by August 30, 2020. Please contact Dario Camacho of my committee staff at (202) 224-4515 or Stephanie Doherty at (202) 224- 2023 with any questions.

1. When the Fairfax County Police video begins, approximately how long had the chase of Mr. Ghaisar been ongoing, and were the officers communicating to any other Park Police personnel the details of the Ghaisar chase while it was happening?
2. In the first stop, Mr. Ghaisar drives off after the officer attempted to open the door to his vehicle.
 - a. Did the officers follow proper protocol and tactics on the approach of the vehicle and incorporate U.S. Park Police de-escalating procedures?
 - b. Is it protocol for an officer to use the grip or magazine well of a handgun in an attempt to break the window?
 - c. The video also shows when the officer attempted to break the driver side window with his handgun that it resulted in the officer dropping his weapon. Is this also protocol?
3. Despite Mr. Ghaisar's refusal to pull over, he appears to have been generally following speed regulations as well as adhering to the other rules of the road. Which of Mr. Ghaisar's actions, if any, prompted the officers to believe utilizing deadly force was necessary?

² See Press Release, David Bowdich, Deputy Director, Federal Bureau of Investigation, Oversight of the Parkland Shooting and Legislative Proposals to Improve School Safety (Mar. 14, 2018), <https://www.fbi.gov/news/testimony/oversight-of-the-parkland-shooting-and-legislative-proposals-to-improve-school-safety>.

³ John Bowden, *FBI Briefs Lawmakers on Texas, Ohio Mass Shootings*, THE HILL (Aug. 07, 2019), <https://thehill.com/homenews/house/456634-fbi-briefs-lawmakers-on-texas-ohio-mass-shootings>.

4. With each stop both officers exit the vehicle with guns drawn which presented a threat of deadly force.
 - a. Is that Park Police protocol?
 - b. Could they have approached the vehicle without their guns drawn?
 - c. How else could they approached the vehicle to be effective?
 - d. Why did they not approach the vehicle this way?
5. Aside from driving away, did Mr. Ghaisar assert an action or any threatening movement(s) that led the officers to believe the threat or use of deadly force was warranted?
6. At the third and final stop Mr. Ghaisar allows for the police to pull their vehicle in front of his. After remaining stationary for at least ten seconds it appears that Mr. Ghaisar attempts to move his vehicle because the officer has a gun pointed at him. As soon as Mr. Ghaisar moves his vehicle at the third stop the first shot is fired. What justified this first shot?
7. After the first few shots are fired it appears that the officer closest to the vehicle gets back in the car. Why did this officer essentially disengage and feel the need to get back in the vehicle?
 - a. Did this officer believe the threat had been diminished?
 - b. Why did the second officer feel the need to continue to engage with Mr. Ghaisar?
8. While the final shots are being fired and the car veers into the ditch, it appears that a third person is shown in front of the vehicle. Can you identify this person?
 - a. Is this person an officer of Park Police or another law enforcement agency?
 - b. Did this individual fire any shots?
 - c. If you were not aware of this person, why not?
9. Did either of these officers have any unusual Citizen Complaint Reports or performance issues while employed by the Park Police, or similar complaints or issues from any prior law enforcement employment? More specifically, did either officer have any complaints of excessive force or similar behavior that originated from either an internal or external source?
10. According to separate briefings we received, Park Police did not provide life saving measures to Mr. Ghaisar. Is it NPS policy to not provide life saving measures to a suspect after a use of lethal force?

- a. In lieu of providing life saving measures, what did Park Police officers do?
 - b. Did anyone provide life saving measures to Mr. Ghaisar? If so who and when?
11. Please provide the specific written documents that your staff believed prohibited them from discussing this matter with congressional staff.

Sincerely,


Charles E. Grassley
United States Senator


Mark R. Warner
United States Senator